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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))

Docket Number (Optional)

RECEIVED

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

AUG 11 2010

08/09/2010 DALLIN 00000013 7028359

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OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 7,028,359

Application Number 10/728,579

Issue Date 2006-04-18

Filing Date 2003-12-05

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above – identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

8/4/2010
Date

Patricia J. Contreras
Signature

Patricia J. Contreras

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input checked="" type="checkbox"/> \$ 490.00	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 490.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1,640.00

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☒ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 190011

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7. OVERPAYMENT

As to any overpayment made please

OR



Credit to Deposit Account No. 190011



Send refund check

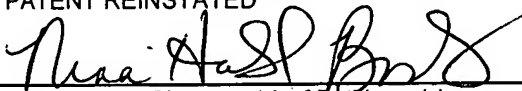
WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED


Signature(s) of Petitioner(s)

Nina Habib Borders

Typed or printed name(s)

(312) 207-2445

Telephone Number

8/4/200
Date

55,237

Registration Number, if applicable

c/o Reed Smith, LLP 10 S. Wacker Drive

Address

Chicago, Illinois 60606-7507

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

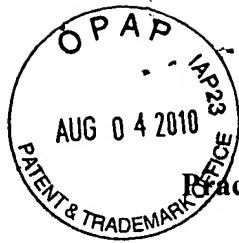


Maintenance Fee Payment



Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

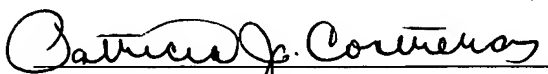




Practitioner's Docket No. 322175.00006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Robert Mazur)	I hereby certify that this correspondence,
)	addressed to Mail Stop Petition,
Patent No.	7,028,359)	Commissioner for Patents, P.O. Box 1450,
)	Alexandria, Virginia 22313-1450, is being
Issue Date:	04/18/2006)	deposited with the United States Postal Service
)	as Express Mail No. EM 459905585 US
)	on the date of:
For:	Container Opener)	
)	August 4, 2010
Group Art Unit:	3723)	
)	Patricia J. Contreras
Examiner:	Debra S. Meislin)	

RECEIVED

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AUG 11 2010

OFFICE OF PETITIONS

Petition To Accept Unintentionally Delayed Payment of Maintenance Fee In An Expired Patent Under (37 CFR 1.378(c))

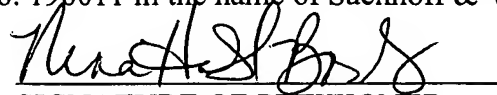
Applicant respectfully requests and petitions that patent application Serial No. 10/728,579 be revived pursuant to § 1.378 (c). Applicant failed to pay the 3.5 year maintenance fee that was due for payment on October 18, 2009.

Submitted herewith is a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee In An Expired Patent (37 CFR 1.378(c), (PTO form PTO/SB/66); Credit Card Payment Form; (PTO Form -2038) and Fee Transmittal form (PTO Form PTO/SB/17).

Petitioner states that the entire delay in filing the required fee was unintentional. Petitioner hereby authorizes payment of the 3.5 year maintenance in the amount of \$490.00 under §1.27 claiming

small entity status and the surcharge after expiration for late payment that is unintentional 1.20(i)(2) in the amount of \$1,640.00. The Commissioner is hereby authorized to charge any additional fees that are required or credit any over payments to Account No. 190011 in the name of Sachnoff & Weaver, Ltd.

Date: 8/4/2010



SIGNATURE OF PETITIONER

Nina Habib Borders Reg. No. 55,237

Reed Smith LLP

10 South Wacker Drive

Chicago, Illinois 60606

Telephone No. 312-207-3897